

Application No.: 09/923,032
Amendment Dated July 28, 2004
Reply to Office Action of April 30, 2004

Remarks

Claims 1, 6, 8 and 12 have been amended as noted above. Additionally, claims 16-20 have been added, as noted above. Claims 1-20 are presented for consideration. No new matter is believed added by any of the subject amendments, and support is found readily throughout the original specification or claims as filed.

Pursuant to 37 C.F.R. § 1.114, reconsideration of the present application in view of the preceding amendments and following remarks is respectfully requested.

Claims 1-6 and 8-14 stand rejected under 35 U.S.C. 102(e) as anticipated by U.S. Patent No. 6,293,932 to Balzar et al. Applicants respectfully traverse this rejection to the extent it may apply to the claims as amended. It is the Applicants' position that Balzar et al. fails to teach or suggest the presently claimed invention, and that the previous rejection is deemed moot. In particular, as amended, the invention now recites that the outer cover has a dual role to function as a wrapper prior to use and then to function as a liquid impermeable layer or backsheet of the absorbent article during use. Such is completely contrary to the teaching in Balzar et al. which states repeatedly that, "a further object of this invention is to provide an individually packaged absorbent article which allows the wrapper, after it has been removed from the absorbent article, to be used to discretely dispose of a soiled sanitary napkin," (Column 2, lines 43-47), as well as language of similar import at column 4, lines 51-54, column 9, lines 11-25, and lines 43-55, and column 10 at lines 36-39 and lines 61-65. Accordingly, it is the Applicants' position that claims 1-6 and 8-14, as well as the remainder of the claims, are novel and patentably distinct over Balzar et al.

Claims 1, 7-8 and 15 stand rejected under 35 U.S.C. 103 (a) as obvious over U.S. Patent No. 5,827,251 to Moder et al. Applicants respectfully traverse this rejection to the extent it might apply to the claims as amended. It is the Applicants' position that Moder et al. fails to teach or suggest the presently claimed invention, for at least the same reasons that Balzar et al. is deficient. For example, in Moder et al. at column 7, lines 44-60 and column 8, lines 10-25, as well as column 13, lines 17-28, it repeatedly teaches that the protective outer cover of the sanitary napkin product is removed before use of the product. Accordingly, it is the Applicants' position that claims 1, 7-8 and 15, as well as the remainder of claims, are novel and patentably distinct over Moder et al.

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All of the rejections made in the office action are believed to be overcome or rendered moot based on the above amendments and remarks. Accordingly, it is respectfully submitted that the present application is in condition of allowance, and such action is requested in due course.

The Examiner is invited to telephone the undersigned should any minor issues remain after consideration of the present amendment. The undersigned may be reached at (920) 721-6854.

Please charge any prosecutorial fees that are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE

I, Barbara D. Miller, hereby certify that on July 28, 2004, this document is being transmitted via facsimile to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, to facsimile number 703-872-9306.

By: Barbara D. Miller

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